

Maria do Rosario Veiga

Plaintiff,

v.

World Meteorological Organisation,
Michel Jarraud,
Jorge Cortes,
Joachim Miller, and
Iwona Rummel-Bulska

Defendants.

Docket No. 07 CV 3182 (VM)

<p>USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5-17-07</p>
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**FRCP Rule 59(e) Motion to Amend or Alter the Court's Order Entered 30 April 2007,
As Supplemented by the Court's Decision and Order dated and filed 7 May 2007**

Now comes the Plaintiff in the above-entitled matter and respectfully moves this Honorable Court, pursuant to FRCP Rule 59(e), to amend or alter its order entered in this case on 30 April 2007, as supplemented by the Court's Decision and Order dated and filed 7 May 2007, *sua sponte*, without argument, which orders instructed the Clerk to dismiss this action and to close the case on the grounds of *forum non conveniens*. The Plaintiff respectfully requests that the Court, pursuant to its supplemental Decision and Order dated 7 May 2007, as detailed at page 22 of same, to order, as a condition of dismissal, that the Defendants give express consent to the following conditions, in the event the Plaintiff commences litigation in Switzerland arising out of the circumstances and general claims asserted in this case:

- That the Defendants agree to accept service of process and to the exercise of personal jurisdiction by the relevant tribunal in Switzerland to the extent permissible by applicable law;
- That the Defendants not assert any defenses based on statutes of limitations that would not [be] available to them were this litigation prosecuted in this Court; and
- That the Defendants would satisfy any final judgment rendered by a Swiss court in connection with any such litigation.


As the Plaintiff believes that pursuant to Articles 3, 6, 7, 15 and 16 of the Headquarters Agreement entered between the Defendant WMO and the Swiss Federal Council dated 10 March 1955 (Exhibit 1), Plaintiff will be precluded from bringing any civil action against any of the Defendants in any Swiss national court on account of the privileges and immunities granted to the Defendant WMO and its officials pursuant to said Agreement, notwithstanding the foregoing consents of the Defendants (confirmed by an affidavit from Plaintiff's Swiss counsel, asserting that the Plaintiff will be precluded from bringing and maintaining a civil action against the Defendants in Swiss national courts, attached hereto as Exhibit 2), the Plaintiff respectfully requests that this Honorable Court additionally condition its dismissal of the action on the acceptance of the relevant Swiss tribunal of an action brought by the Plaintiff against the Defendants arising out of the circumstances and general claims asserted in this case.

Conclusion

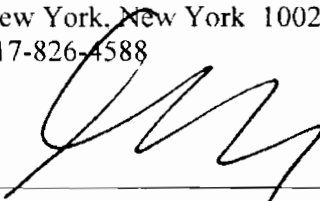
For all of the foregoing reasons, the Plaintiff respectfully requests this Honorable Court to amend and alter its order entered 30 April 2007, supplemented by a Decision and Order dated and filed

7 May 2007, making its dismissal order on grounds of *forum non conveniens* expressly subject to the conditions as above requested, without prejudice.

Respectfully submitted,




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Dated: May 10, 2007

Defendants are directed to respond by 5-25-07 to the motion and related matters set forth above by plaintiff herein, such response not to exceed 3 pages	
SO ORDERED:	
5-16-07	
DATE	VICTOR MARRERO, U.S.D.J.